

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

FOR COURT USE ONLY

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION**

CASE NO.: 6:14-bk-15864-SY
CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Debtor(s).

Sale Date: 11/10/2016

Time: 9:30 am

Location: 3420 Twelfth Street, Courtroom 302, Riverside, CA 92501-3819.

Type of Sale: ☒ Public ☐ Private

Last date to file objections: 09/26/2016

Description of property to be sold: Vacant land, 17690 Tronti Way, Riverside, CA 92503

Terms and conditions of sale: \$70,000, whereas, as is.
SEE ATTACHED

Proposed sale price: \$ 70,000.00

Overbid procedure (if any):

SEE ATTACHED

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

November 10, 2016, at 10:00 a.m., at the United States Bankruptcy Court located at 3420 Twelfth Street, Courtroom 302, Riverside, CA 92501-3819.

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

David B. Lally, Esq., 949-500-7409, Davidlallylaw@gmail.com

Date: 10/07/2016

OVERBID PROCEDURE

1. The proposed sale to the Buyer is subject to approval of the Bankruptcy Court and to qualified overbidders. Any person or entity desiring to submit an overbid must submit a cashier's check made payable to "Larry Simons, Chapter 7 Trustee" in the amount of \$10,000.00 (the "Deposit") to the Trustee at the hearing before their initial bid. The Deposit shall not be refundable if the successful overbidder is later unable to complete the purchase of the Property.

2. Subject to Court approval, the Trustee recommends the first overbid be in the amount of \$71,000.00 cash, and that overbids shall be made in minimal increments of \$1,000.00 thereafter. All due diligence is to be completed prior to the hearing as the Sale is on an "as is" "where is" basis, with no warranties representations recourse or contingencies or any kind. Each party, including the Buyer, must pay the full amount of the successful overbid to the Trustee within the terms and conditions set forth in the escrow documents or otherwise within fourteen (14) days from the date the Order approving the Motion becomes a final order. If the successful bidder cannot make such payment within that time, the Trustee shall be authorized to accept the offer made by the second highest overbidder. The Trustee reserves the right to reject any and all overbids that in his business judgment are insufficient.

3. The Sale is free and clear of all liens, with any outstanding taxes to paid through escrow. No other liens will be paid through escrow.

4. Based upon the proposed purchase price of \$70,000.00 for the Property, which the Trustee believes is fair and reasonable and represents the highest and best offer the Estate has received to date for the Property, the Trustee anticipates that the Estate will net enough to pay the only unsecured claim filed in this case, for 5985.68. The broker's commissions will be paid through escrow as well (a combined 6% of the Sales Price or approximately \$4,200.00) and other normal closing costs. The Trustee will use the Net Proceeds to pay administrative claims, attorney's fees, Mustang 70's lien pursuant to a future Court order, and the unsecured claim of the Estate.

5. Each party (including the Buyer) interested in participating as an overbidder must be present either physically or telephonically at the hearing on the Motion or represented by an individual or individuals with the authority to participate in the overbid process?;

6. Each party participating in the overbid process (except for the Buyer) must have at the hearing on the Motion a deposit in cash or a cashier's check made payable to "Larry Simons, Chapter 7 Trustee" in the amount of \$10,000.00. The \$10,000.00 deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the Property for any reason other than a material breach by the Trustee;

7. Subject to Court approval, the Trustee recommends that the initial overbid be in the amount of \$71,000.00 and that subsequent overbids be in the incremental amount of \$1,000.00, and

8. Each party (including the Buyer) must pay the full amount of the successful bid to the Trustee within the time period set forth in the Documents or otherwise within fourteen (14) days from the date of the Order approving the Motion becomes a final order, whichever is earlier. If the Buyer is not the successful bidder of the Property, the successful bidder shall then become the Buyer under the same terms and conditions as set forth in the escrow documents. Moreover, if the successful bidder cannot deliver the balance of the sale price within the above-referenced period the successful bidder's deposit shall become non-refundable.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

26895 Aliso Creek Rd., #B663, Aliso Viejo, CA 92656

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 10/10/2016, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- * David Brian Lally, Esq., for Chapter 7 Trustee Larry D Simons, davidlallylaw@gmail.com
- * Larry D. Simons (TR) larry@lsimonslaw.com, c119@ecfcbis.com; lauren@lsimonslaw.com; nancy@lsimonslaw.com
- * United States Trustee (RS), ustpreion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (date) 10/10/2016, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

- * Ronak Patel, Esq., For County of Riverside, 3960 Orange St., Ste. 500, Riverside, CA 92501
- * Defendant Mustang 70, 2899 E. Big Beaver Rd, #117, Troy, Michigan, 48083
- * Agent for Defendant Mustang 70, California TD Specialists, 8190 East Kaiser, Blvd., Anaheim Hills, CA 92808
- * Agent for Defendant Mustang 70, Kevin Jacobs, CPA, 4187 Flat Rock Dr., #300, Riverside, CA 92505

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/10/2016
Date

David Brian Lally, Esq.
Printed Name


Signature

ATTACHMENT TO PROOF OF SERVICE

- * Creditor Mustang 70, 2899 E. Big Beaver Rd, #117, Troy, Michigan, 48083
- * Agent for Creditor Mustang 70, California TD Specialists, 8190 East Kaiser, Blvd., Anaheim Hills, CA 92808
- * Agent for Creditor Mustang 70, Kevin Jacobs, CPA, 4187 Flat Rock Dr., #300, Riverside, CA 92505
- * Creditor's Agent for Mustang 70, Jeffrey Jacobs, 55 E. Long Lake Rd., Troy, Michigan 48085
- * Creditor's Agent for Mustang 70, Jeffrey Jacobs, 55 E. Long Lake Rd., Troy, Michigan 48085
- * Debtor In Pro Se, Joe O. Gonzalez, 1351 W. 11th ST., Upland, CA 91786

BANK OF AMERICA
P O BOX 15019
Wilmington DE 19886

CHASE
CARDMEMBER SERVICE
P O BOX 94014
Palatine IL 60094

COUNTY OF RIVERSIDE OFTHE TREASURER
P O BOX 12005
Riverside CA 92502

FCI LENDER SERVICES INC
8180 EAST KAISER BLVD
Anaheim CA 92808

GREAT LAKES/U S DEPT OF EDUCATION
P O BOX 530229
Atlanta GA 30353

HIGH DESERT CREDITORS/DESERT VALLEY
14608 MAIN ST
Hesperia CA 92345

HOME DEPOT CREDIT SERVICES
PROCESSING CENTER
Des Moines IA 50364

NATIONSTAR MORTGAGE
P O BOX 60516
City of Industry CA 91716

SAN ANTONIO COMM HOSP/CA BUS BUREAU
1711 S MOUNTAIN AVE
Monrovia CA 91017